

EXHIBIT A

I N D E X

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY - CAMDEN VICINAGE
CIVIL ACTION NO. 1:09-cv-00698-JEI-KMW

DOUGLAS CHARLES STROBY,

Plaintiff(s),

vs.

EGG HARBOR TOWNSHIP,
CHIEF BLAZE CATANIA;
OFFICER JEFFREY
LANCASTER, jointly,
severally, and/or in
the alternative,

Defendant(s).

DEPOSITION OF

BLAZE CATANIA

REPORTED BY CATHERINE M. WYBLE, CCR, CMR, Notary
Public for the State of New Jersey, in the offices of
Egg Harbor Township Municipal Building, Conference Room
108, 3515 Bargaintown Road, Egg Harbor Township, NJ, on
Tuesday, December 29, 2009, commencing at 10:30 a.m.

PATRICIA ANN TERRACCIANO
Certified Court Reporters
One South Colonial Drive
Bordentown, NJ 08505
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DEPONENTS:

BLAZE CATANIA

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EXHIBITS FOR IDENTIFICATION:

Catania 1 - Letter dated 11/26/02 to Detective Ray Theriault from Cathy Floyd	89
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REQUESTS FOR DOCUMENTS:

None requested.

A P P E A R A N C E S :

JACOBS & BARBONE, ESQUIRES
BY: ARTHUR J. MURRAY, ESQUIRE
1125 Pacific Avenue, Atlantic City, NJ 08401
Counsel for the Plaintiff

BARKER, SCOTT & GELFAND
BY: A. MICHAEL BARKER, ESQUIRE
210 New Road, Linwood Greene, Suite 12, Linwood, NJ 08221
Counsel for Defendant Egg Harbor Township

MICHELE C. VERNI, LLC
BY: MICHELE C. VERNI, ESQUIRE
1001 Tilton Road, Suite 205, Northfield, NJ 08225
Counsel for Defendant Jeffrey Lancaster

A L S O P R E S E N T :

DOUGLAS CHARLES STROBY

1 BLAZE CATANIA, having been first duly sworn
2 or affirmed at 10:30 a.m., was examined and testified
3 as follows:
4 * * *
5 EXAMINATION BY MR. MURRAY:
6 Q. Chief, good morning. Once again, my name
7 is Arthur Murray. My law firm represents Doug Strobby
8 with respect to a lawsuit he has brought against Egg
9 Harbor Township, yourself, and Officer Lancaster. I'm
10 about to take your deposition. You were in the room
11 when I gave certain instructions to Mayor McCullough,
12 were you not?
13 A. Yes.
14 Q. Did you hear those instructions?
15 A. Yes.
16 Q. Do you need me to repeat any of those
17 instructions for you?
18 A. No.
19 Q. As you sit here today, are you under the
20 influence of any medication, prescription or otherwise,
21 for which a physician has told you it could impact your
22 ability to either hear questions, understand questions,
23 or give answers to questions?
24 A. No.
25 Q. As you sit here today, do you suffer from

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1 because of the lawsuit, I was informed and read that it
2 was dismissed, and he paid some money.

3 Q. Okay, and who informed you of that?

4 A. Reading the file, the detective's report.

5 Q. And what detective was that?

6 A. Theriault --

7 Q. Who?

8 A. -- I believe. Raymond Theriault.

9 Q. Spell that for the court reporter.

10 A. T-H-E-R-I-A-U-L-T.

11 MR. BARKER: His first name is really
12 Reynold.

13 A. Reynold, yeah. R-E-Y-N-O-L-D. Everybody
14 calls him Ray.

15 Q. What is the situation as it relates to
16 prospective officers and their ability to be hired if
17 they actually have any sort of a criminal record?

18 A. I don't understand your question.

19 Q. Okay. Have you hired police officers since
20 you've been chief of police?

21 A. Yes, sir.

22 Q. Are police officers allowed to have a
23 criminal record and be hired by Egg Harbor Township?

24 A. No, I do not believe they are.

25 Q. Do you believe that has been the rule even

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1 before you became chief of police, or would you not
2 know?

3 A. I would be guessing, assuming.

4 Q. At the time he was hired, did you know that
5 Officer Lancaster knew then Mayor McCullough?

6 A. Did I know when?

7 Q. At the time he was hired --

8 A. No.

9 Q. -- did you know that Officer Lancaster knew
10 Mayor McCullough?

11 A. No, sir.

12 Q. Does Egg Harbor Township have an internal
13 affairs department?

14 A. We have an Office of Professional
15 Responsibility Department, which an internal affairs
16 person works out of that. A particular internal
17 affairs office, no.

18 Q. Does Egg Harbor Township follow the
19 Attorney General Guidelines as it relates to internal
20 affairs for the running of its professional office and
21 its internal affairs officer?

22 A. Yes, sir.

23 Q. Separate and part from the Attorney General
24 Guidelines, have you promulgated any additional rules,
25 directives, et cetera, as it relates to the operation

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1 of internal affairs?

2 A. I believe I updated the general order that
3 governs internal affairs that's based off of the
4 Attorney General Guidelines.

5 Q. Who makes the decision as to whether or not
6 an investigation actually starts by internal affairs?

7 A. I do.

8 Q. Does anybody else have the authority to
9 actually initiate an investigation other than you as
10 chief of police?

11 A. Define investigation.

12 Q. To actually have the -- to actually have
13 the internal affairs officer look into whether or not
14 discipline should be meted out against a member of the
15 Egg Harbor Township Police Department.

16 A. My staff does have the authority to
17 investigate things. If there is an internal affairs
18 investigation, that's solely mine.

19 Q. And when you say your staff, what does your
20 staff consist of?

21 A. My captains, three captains.

22 Q. Would those be demeanor type complaints
23 that they would be investigating as opposed to internal
24 affairs, or what is the differentiation between what
25 they're allowed to investigate and what would actually

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1 be categorized as internal affairs?

2 A. They are tasked with doing a preliminary no
3 matter what the complaint is. Let's say it's something
4 very serious like a criminal nature. Then they submit
5 a report to myself either verbally or written
6 recommending or not recommending an internal affairs
7 investigation, and I sometimes agree with them, and I
8 sometimes don't.

9 Q. Can you give me an average as to how many
10 active internal affairs investigations are ongoing in
11 Egg Harbor Township at any one time?

12 A. Unfortunately, it's hot or cold.

13 Q. Okay.

14 A. You can go for a long period of time
15 without it.

16 Q. Can you give me an idea on an annual basis
17 as to the number of internal affairs investigations
18 there usually are on an annual basis?

19 A. Approximately thirty or low forties.

20 Q. Are there any current investigations by
21 internal affairs involving Officer Lancaster?

22 A. As of today?

23 Q. Yes.

24 A. No.

25 Q. Do you know of any internal affairs

1 investigations involving Officer Lancaster other than
2 the one we're here for today?
3 **A. Any previous? I don't understand the**
4 **question.**

5 **Q.** Sure. What I'm trying to find out is do
6 you know of any internal affairs investigations
7 involving Officer Lancaster where he was the target of
8 an internal affairs investigation other than the
9 incident involving Doug Stroby.

10 **A. Yes.**

11 **Q.** Okay. How many others are you aware of?

12 **A. One other.**

13 **Q.** And the one that you're aware of, did it
14 happen before or after the incident involving
15 Mr. Stroby?

16 **A. After.**

17 **Q.** And what was the nature of that
18 investigation?

19 MR. BARKER: Objection. If it happened
20 afterwards, I suppose you want to know whether it's in
21 any way related to the --

22 MR. MURRAY: Well, that's a talking
23 objection, Mr. Barker. You're not allowed to make
24 talking objections. You're allowed to object to the
25 form of question. If you're instructing him not to

1 answer, we will deal with that, but my question to him
2 is -- I want to know what happened with the
3 investigation of Lancaster after the incident with
4 Stroby.

5 MR. BARKER: All right. Well, you can
6 refine the question or I'll direct him not to answer.

7 MR. MURRAY: Okay. Read my last
8 question to him.

9 (Whereupon, the previous question is
10 hereby read.)

11 MR. MURRAY: That's the question.

12 MR. BARKER: Okay. Don't answer it.

13 MR. MURRAY: Okay. I'm going to make
14 an application to the magistrate. We'll be back here.
15 Just so you're aware, Mr. Barker.

16 MR. BARKER: I know.

17 MR. MURRAY: Okay.

18 **Q.** Has Officer Lancaster ever been
19 investigated because he was in a car with
20 Sergeant Monroe that was pulled over by the New Jersey
21 state police?

22 **A. No, he was not.**

23 **Q.** Are you aware of such an incident?

24 **A. During the course of this litigation, I**
25 **heard word of it.**

1 **Q.** Okay. Other than in the course of this
2 litigation, in the course of your role as chief of
3 police of Egg Harbor Township, have you ever heard of
4 it?

5 **A. When I was aware -- made aware of it**
6 **through this litigation process.**

7 MR. BARKER: Is that something through
8 counsel, through our law firm?

9 THE DEPONENT: Yes.

10 MR. BARKER: Don't answer.

11 **Q.** Don't tell me anything about any
12 conversations you've had with Mr. Barker's law firm.
13 What I'm asking you for is in your role as chief of
14 police, other than through attorneys, did you become
15 aware of any incident involving Sergeant Monroe and
16 Mr. Stroby being in a vehicle that was pulled over by
17 the New Jersey State Police or any other law
18 enforcement agency?

19 **A. I don't understand the question.**

20 THE DEPONENT: If I heard it from you,
21 I can't --

22 **Q.** Correct. In other words, from anybody
23 other than attorneys have you heard that?

24 **A. No.**

25 **Q.** Okay. Have you looked into that based upon

1 knowing about it through this litigation?

2 **A. Yes.**

3 **Q.** Is that the internal affairs investigation
4 that was pending other than the Stroby one or another
5 one?

6 **A. No.**

7 **Q.** Okay. In terms of the internal affairs
8 investigation that did take place involving Lancaster
9 other than the Stroby incident, who was the complainant
10 in that case?

11 MR. BARKER: Objection. Aren't you
12 going back into the same thing that I objected to and
13 told him not to answer?

14 MR. MURRAY: I'm not -- I asked him
15 what the nature of the investigation was. Now I'm
16 asking who the complainant was. That's a totally
17 different question.

18 MR. BARKER: All right, but I still
19 think you're on the post event. So I'm going to direct
20 him not to answer it.

21 **Q.** Was the complainant a private citizen or a
22 member of the police department?

23 MR. BARKER: Same objection. Don't
24 answer.

25 **Q.** Did Officer Lancaster receive any

1 discipline as it relates to -- as a result of that
 2 investigation?
 3 MR. BARKER: Objection. Same
 4 objection. Don't answer it.
 5 Q. Can you tell me when in relationship to the
 6 Lancaster Incident that investigation took place?
 7 MR. BARKER: You can answer that, if
 8 you know.
 9 A. **Six months ago.**
 10 Q. So it would be definitely in the calendar
 11 year 2009?
 12 A. **Yes.**
 13 Q. Did Lancaster miss any time from work as it
 14 relates to that incident?
 15 MR. BARKER: Same objection. Don't
 16 answer.
 17 Q. Did that incident involve any type of an
 18 altercation with a fellow officer?
 19 MR. BARKER: Same objection. Don't
 20 answer it.
 21 Q. Did that investigation involve Officer
 22 Lancaster entering the home of any individual without a
 23 warrant, court order, consent, or exigent
 24 circumstances?
 25 MR. BARKER: Same objection, don't

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1 answer.
 2 Q. Who is the current Internal affairs
 3 officer?
 4 A. **Right now it's vacant.**
 5 Q. If you had an internal affairs
 6 investigation that needed to be done right now, to whom
 7 would you assign it?
 8 A. **The captains or the patrol lieutenants.**
 9 Q. How long has the position been vacant?
 10 A. **Since we've had a staffing issue,**
 11 **approximately seven months -- six months, seven months,**
 12 **waiting for permission for promotion to fill it.**
 13 Q. What's the rank of the Internal affairs
 14 officer?
 15 A. **Going back to the officer assigned to the**
 16 **Office of Professional Responsibility?**
 17 Q. Right.
 18 A. **Lieutenant.**
 19 Q. And is that the promotion you're waiting
 20 for now to fill it with a new lieutenant?
 21 A. **Yes, sir.**
 22 Q. And is that your choice to have it as a
 23 lieutenant's position as opposed to a sergeant or
 24 another rank?
 25 A. **That's the position that was prior to me**

1 **coming in established by the previous chief that it be**
 2 **staffed by a lieutenant.**
 3 Q. Is that actually in the staffing
 4 regulations of the office that it would be staffed by a
 5 lieutenant, or is that simply a personal preference of
 6 the chief?
 7 A. **No. It's in the organizational chart.**
 8 Q. Who was the internal affairs officer who
 9 conducted the investigation involving the
 10 Stroby/Lancaster incident?
 11 A. **Lieutenant Hector Tavarez.**
 12 Q. Is that the same internal affairs officer
 13 who conducted the investigation of Lancaster and the
 14 most recent one that happened within the last six
 15 months?
 16 MR. BARKER: Objection. I wasn't aware
 17 that he said that there was an investigation actually
 18 conducted in the last six months.
 19 MR. MURRAY: I think he indicated
 20 exactly that.
 21 MR. BARKER: If he did, then that's
 22 okay, and he can answer whoever the officer was. He
 23 can identify that person.
 24 Q. Okay. The most recent internal affairs
 25 investigation involving Lancaster --

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1 A. **Yes, sir.**
 2 Q. -- even though you've been instructed not
 3 to answer what it involves, who actually conducted the
 4 investigation?
 5 A. **A captain.**
 6 Q. And what captain was that?
 7 A. **William Fair.**
 8 Q. Was Fair assigned to do that by you, or did
 9 he undertake that on his own?
 10 A. **I assigned him.**
 11 Q. And was that because there was no internal
 12 affairs officer at that time?
 13 A. **He is pulling double duty because he was**
 14 **the lieutenant of Office of Professional Responsibility.**
 15 **He took over for Lieutenant Tavarez, but then he was**
 16 **promoted.**
 17 Q. Who actually makes the decision on meting
 18 out discipline based upon an internal affairs
 19 investigation?
 20 A. **I do.**
 21 Q. Does the internal affairs officer actually
 22 make recommendations as to whether or not discipline
 23 should or should not be sustained based upon his or her
 24 investigation?
 25 A. **Not specifically. They give me a**